

AMENDED IN SENATE JULY 8, 2003

AMENDED IN ASSEMBLY MAY 5, 2003

AMENDED IN ASSEMBLY APRIL 9, 2003

AMENDED IN ASSEMBLY MARCH 24, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 377

Introduced by Assembly Member Chan

February 14, 2003

An act to amend Section 42001 of, and to add Section 27150.3 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 377, as amended, Chan. Vehicles: exhaust systems: whistle-tip.

(1) Existing law prohibits a muffler or exhaust system from being equipped with a cutout, bypass, or similar device.

This bill would prohibit the modification of the exhaust system of a motor vehicle with a whistle-tip, as defined, and would prohibit a person from operating a motor vehicle if that vehicle's exhaust system is in violation of that modification prohibition. The bill would also prohibit a person from engaging in the business of installing a whistle-tip. Because the bill thereby would create new crimes, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 27150.3 is added to the Vehicle Code,
2 to read:

3 27150.3. (a) A person may not modify the exhaust system of
4 a motor vehicle with a whistle-tip.

5 (b) A person may not operate a motor vehicle if that vehicle's
6 exhaust system is modified in violation of subdivision (a).

7 (c) A person may not engage in the business of installing a
8 whistle-tip onto a motor vehicle's exhaust system.

9 (d) For purposes of subdivisions (a) and (c), a "whistle-tip" is
10 a device that is applied to, or is a modification of, a motor vehicle's
11 exhaust ~~pipe system~~ for the sole purpose of ~~creating a high-pitched~~
12 ~~or shrieking~~ *emitting an amplified high-pitched* noise when the
13 motor vehicle is operated.

14 SEC. 2. Section 42001 of the Vehicle Code is amended to
15 read:

16 42001. (a) Except as provided in Section 42000.5, 42001.1,
17 42001.2, 42001.3, 42001.5, 42001.7, 42001.8, 42001.9,
18 42001.11, 42001.12, 42001.14, 42001.15, 42001.16, or
19 subdivision (a) of Section 42001.17, or Section 42001.18, or
20 subdivision (b), (c), or (d) of this section, or Article 2
21 (commencing with Section 42030), every person convicted of an
22 infraction for a violation of this code or of any local ordinance
23 adopted pursuant to this code shall be punished as follows:

24 (1) By a fine not exceeding one hundred dollars (\$100).

25 (2) For a second infraction occurring within one year of a prior
26 infraction which resulted in a conviction, a fine not exceeding two
27 hundred dollars (\$200).

28 (3) For a third or any subsequent infraction occurring within
29 one year of two or more prior infractions which resulted in
30 convictions, a fine not exceeding two hundred fifty dollars (\$250).

31 (b) Every person convicted of a misdemeanor violation of
32 Section 2800, 2801, or 2803, insofar as they affect failure to stop

1 and submit to inspection of equipment or for an unsafe condition
2 endangering any person, shall be punished as follows:

3 (1) By a fine not exceeding fifty dollars (\$50) or imprisonment
4 in the county jail not exceeding five days.

5 (2) For a second conviction within a period of one year, a fine
6 not exceeding one hundred dollars (\$100) or imprisonment in the
7 county jail not exceeding 10 days, or both that fine and
8 imprisonment.

9 (3) For a third or any subsequent conviction within a period of
10 one year, a fine not exceeding five hundred dollars (\$500) or
11 imprisonment in the county jail not exceeding six months, or both
12 that fine and imprisonment.

13 (c) A pedestrian convicted of an infraction for a violation of
14 this code or any local ordinance adopted pursuant to this code shall
15 be punished by a fine not exceeding fifty dollars (\$50).

16 (d) A person convicted of a violation of subdivision (a) or (b)
17 of Section 27150.3 shall be punished by a fine of two hundred fifty
18 dollars (\$250), and a person convicted of a violation of subdivision
19 (c) of Section 27150.3 shall be punished by a fine of one thousand
20 dollars (\$1,000).

21 (e) Notwithstanding any other provision of law, any local
22 public entity that employs peace officers, as designated under
23 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of
24 the Penal Code, the California State University, and the University
25 of California may, by ordinance or resolution, establish a schedule
26 of fines applicable to infractions committed by bicyclists within its
27 jurisdiction. Any fine, including all penalty assessments and court
28 costs, established pursuant to this subdivision shall not exceed the
29 maximum fine, including penalty assessment and court costs,
30 otherwise authorized by this code for that violation. If a bicycle
31 fine schedule is adopted, it shall be used by the courts having
32 jurisdiction over the area within which the ordinance or resolution
33 is applicable instead of the fines, including penalty assessments
34 and court costs, otherwise applicable under this code.

35 SEC. 3. No reimbursement is required by this act pursuant to
36 Section 6 of Article XIII B of the California Constitution because
37 the only costs that may be incurred by a local agency or school
38 district will be incurred because this act creates a new crime or
39 infraction, eliminates a crime or infraction, or changes the penalty
40 for a crime or infraction, within the meaning of Section 17556 of

- 1 the Government Code, or changes the definition of a crime within
- 2 the meaning of Section 6 of Article XIII B of the California
- 3 Constitution.

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